

ORDINANCE NO. 256

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, AS HERETOFORE AMENDED, SO AS TO CHANGE THE FOLLOWING DESCRIBED PROPERTY FROM R-5 RESIDENTIAL CLASSIFICATION TO R-5 RESIDENTIAL CLASSIFICATION UNDER SPECIAL PERMIT FOR RETAIL NURSERY AND GREENHOUSE USE, SAID TRACT BEING DESCRIBED AS FOLLOWS: BEING SITUATED IN THE JOHN NIX SURVEY, ABSTRACT 1088 AND THE R. J. WEST SURVEY, ABSTRACT 1576, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTH LINE OF VALWOOD PARKWAY, SAID POINT ALSO BEING EAST 900 FEET FROM THE EAST LINE OF DENNIS ROAD (ALSO KNOWN AS JOSEY LANE) AND FURTHER BEING THE SOUTHEAST CORNER OF THE WINSLOW TRACT: THENCE NORTH 314.81 FEET ALONG THE WINSLOW TRACT EAST LINE TO A POINT IN THE SOUTH LINE OF A 50 FOOT DRAINAGE AND UTILITY R.O.W. FOR CORNER: THENCE S 89° 46' E 75.23 FEET ALONG SAID 50 FOOT R.O.W. TO A POINT FOR CORNER: THENCE N 48° 54' E 349.93 FEET ALONG THE SOUTHEAST LINE OF SAID 50 FOOT R.O.W. TO A POINT FOR CORNER: THENCE S 63° 46' E 104.66 FEET TO THE NORTHWEST CORNER OF THE EPISCOPAL CHURCH 3.05 ACRE TRACT FOR CORNER: THENCE SOUTH 40.89 FEET ALONG THE WEST LINE OF SAID TRACT TO A POINT FOR CORNER: THENCE S 48° 54' W 286.40 FEET TO A POINT FOR CORNER: THENCE South 269.17 FEET TO A POINT IN THE NORTH LINE OF VALWOOD PARKWAY FOR CORNER: THENCE WEST 217.00 FEET ALONG THE NORTH LINE OF VALWOOD PARKWAY TO THE PLACE OF BEGINNING AND CONTAINING 2.4 ACRES OF LAND, MORE OR LESS; THAT SUCH PROPERTY IS TO BE USED UNDER A SPECIAL PERMIT FOR RETAIL NURSERY AND GREENHOUSE USE, SUBJECT, HOWEVER, TO THE SPECIAL CONDITIONS HEREINAFTER MORE FULLY EXPRESSED: THAT THE PROPERTY SHALL BE IMPROVED ACCORDING TO PLANS AND SPECIFICATIONS SUBMITTED THEREFOR WHICH SHALL BE APPROVED BY THE CITY PLANNING COMMISSION AND SUBJECT TO THE CONDITIONS CONTAINED HEREIN; PROVIDING FOR A PENALTY NOT TO EXCEED \$200.00 FOR EACH OFFENSE: AND DECLARING AN EMERGENCY.

WHEREAS, the City Planning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch in compliance with the Charter of the City of Farmers Branch and the State Law with reference to the granting of special permits under the zoning ordinance regulations and zoning map have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all of the property owners generally and to the persons interested and situated in the affected area, and in the vicinity thereof, the governing body of the City of Farmers Branch is of the opinion that the said special permit should be granted subject to the conditions more fully set out herein. NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be and the same is hereby amended by amending the zoning map of the City of Farmers Branch so as to give the following described property a change in zoning from R-5 Residential classification to R-5 Residential Classification for retail nursery and greenhouse use under special permit, as provided for under the provisions of Article XIV of the Comprehensive Zoning Ordinance, as heretofore amended, subject to the special conditions contained herein that the property to be covered by the special permit for retail nursery and greenhouse use is described as follows:

BEING situated in the John Nix Survey, Abstract 1088 and the R. J. West Survey, Abstract 1576, Dallas County, Texas, and described as follows:

BEGINNING at a point in the North line of Valwood Parkway, said point also being East 900 feet from the East line of Dennis Road (also known as Josey Lane) and further being the Southeast corner of the Winslow tract;

THENCE North 314.81 feet along the Winslow tract East line to a point in the South line of a 50 foot drainage and utility R.O.W. for corner;

THENCE S 89° 46' E 75.23 feet along said 50 foot R.O.W. to a point for corner;

THENCE N 48° 54' E 349.93 feet along the Southeast line of said 50 foot R.O.W. to a point for corner;

THENCE S 63° 46' E 104.66 feet to the Northwest corner of the Episcopal Church 3.05 acre tract for corner;

THENCE South 40.89 feet along the West line of said tract to a point for corner;

THENCE S 48° 54' W 286.40 feet to a point for corner;

THENCE S 269.17 feet to a point in the North line of Valwood Parkway for corner;

THENCE West 217.00 feet along the North line of Valwood Parkway to the PLACE OF BEGINNING and containing 2.4 acres of land, more or less.

SECTION 2. That the special permit for retail nursery and greenhouse use with reference to the hereinabove described property is approved and granted upon the following express conditions and in accordance with Article XIV of the Comprehensive Zoning Ordinance, to-wit:

(a) A site plan showing the construction of the improvements, location and type of buildings, means of ingress and egress, off-street parking and loading areas, location of proposed buildings and type of buildings, signs and other improvements to be located thereon shall be approved by the City Planning Commission and the City Council prior to the time any building permits are issued.

(b) That all drainage structures, parking areas, service drives and sidewalks shall be installed in accordance with the requirements of the City and the developer shall bear the cost of such improvements. All permanent sidewalks and parking areas shall be constructed prior to the time the proposed improvements to be located on the said tract of land are completed.

(c) That all merchandise shall be stored within an enclosed or fenced area to the rear of the front building line as shown on the approved site plan. *trees?*

(d) That only one (1) sign which shall not exceed eighteen (18) square feet in area will be permitted within the landscaped area in the front yard. This sign may be illuminated by spotlights at the ground level and directed so as not to interfere with street traffic. The proposed sign shall not be an electrical sign.

(e) All trash, waste materials and debris must be kept within the enclosed area.

(f) The property shall be landscaped and screened subject to the approval of the City Planning Commission and as shown on the site plan.

SECTION 3. That the site plan when approved by the City Planning Commission and the City Council shall become a part of this ordinance for all purposes; a true copy of the site plan shall be retained in the office of the City Secretary and in the office of the City Manager for observance in connection with these improvements.

SECTION 4. That all ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be and the same are hereby repealed and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. That the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch as heretofore amended and as amended herein by the granting of this special permit for retail nursery and greenhouse use.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject

SECTION 7. WHEREAS, it appears that the above described property requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Farmers Branch, and creates an urgency and an emergency for the preservation of the public health, safety and welfare and requires that this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance, as the law in such cases provides.

APPROVED:

ATTEST:

APPROVED AS TO FORM:

ATTORNEY